

030904

15992 U.S. PTO

CERTIFICATE OF EXPRESS MAILING

I hereby certify that on 3/9/2004, this paper (along with any paper referred to as being attached or enclosed) is being transmitted via express mail no EV 308792754 US.

Shauna Murray
Shauna Murray

Applicant: Acey et al.
Serial No.: 09/948495
Filed: 09/6/2001
Title: METAL BINDING PROTEINS & ASSOCIATED METHODS
GAU 1632
Examiner: S. Priebe
Docket No.: 14353.11 (formally 21089.11)

PATENT

16834 U.S. PTO

10/797748

030904

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DIVISIONAL APPLICATION UNDER 37 CFR 1.53(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b) of pending prior application:

Serial No. 09/948,495
Filed: September 06, 2001
Entitled: **METAL BINDING PROTEINS AND ASSOCIATED METHODS**
Inventors: Roger A. Acey

1. ☒ Enclosed is a copy of the latest inventor-signed specification of the prior application, including the oath or declaration as originally filed. I hereby verify that the papers are a true copy of the latest signed specification of the prior application number 09/948,495, filed September 06, 2001, and further that all statements made herein of my own knowledge are true; and further that these statements made were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application.

| | <u>Small Entity</u> | <u>Large Entity</u> | <u>TOTAL</u> |
|------------------------------|---------------------|---------------------|--------------|
| Basic Fee | \$385.00 | \$770.00 | \$385.00 |
| Total Claims exceeding 20: x | \$9.00 | \$18.00 | |
| Indep. Claims exceeding 3 x | \$43.00 | \$86.00 | \$172.00 |
| Multiple Dep. Claims | \$145.00 | \$290.00 | |
| TOTAL | | | \$557.00 |

3. The Power of Attorney in the prior application is to:

OPPENHEIMER WOLFF & DONNELLY LLP

840 Newport Center Drive, Suite 700

Newport Beach, CA 92660

Attn: Louis C. Cullman

Telephone: 949.823.6000

Facsimile: 949.823.6100

4. Address all future correspondence to:

STRADLING YOCCA CARLSON & RAUTH

660 Newport Center Drive, Suite 1600

Newport Beach, CA 92660

ATTN:Louis C. Cullman

Telephone: 949-725-4000

Facsimile: 949-725-4100

5. ☐ A check in the amount of \$_____ is enclosed for the basic filing fee.

6. ☒ The Commissioner is hereby authorized to charge any required fees associated with this communication or to credit any overpayment to Deposit Account No. 50-1329. The original and one copy of this document are enclosed.

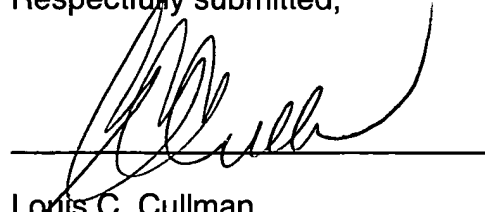
7. ☒ Amend the specification:

Related Applications:

This application is a divisional of U.S. patent application serial number 09/636057 filed August 10, 2000 which claims the benefit of U.S. provisional application No. 60/148526 filed August 12, 1999.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to Deposit Account No. 50-1329.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Cullman', is written over a horizontal line.

Louis C. Cullman

Reg. 39,645

Attorney for Applicants

STRADLING YOCCA CARLSON & RAUTH

660 Newport Center Drive, Suite 1600

Newport Beach, CA 92660

Telephone (949) 725-4000

Facsimile(949) 725-4100

15992
03090415992
U.S. PTO

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 557.00**Complete if Known**

| | |
|----------------------|---------------|
| Application Number | |
| Filing Date | |
| First Named Inventor | Roger A. Acey |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | 14353-0012 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-1329

Stradling, Yocca, Carlson & Rauth

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|--------------------|
| 1001 770 | 2001 385 | Utility filing fee | 385.00 |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | (\$ 385.00) |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 19 | -20** = 0 | 9.00 | 0 |
| Independent Claims | 7 | -3** = 4 | 43.00 |
| Multiple Dependent | | 145.00 | 0 |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|-------------------------------|-------------------------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 172.00)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

(Complete if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|---------|-----------|--------------|
| Name (Print/Type) | Louis C. Culmar | Registration No. (Attorney/Agent) | 39,645 | Telephone | 949-725-4154 |
| Signature |  | Date | 3/10/04 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.